

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

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v.

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**Criminal No. PX-17-258**

**JONATHAN BENNETT**

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**OPPOSITION TO GOVERNMENT’S MOTION TO CONTINUE VOSR HEARING**

Defendant Jonathan Bennett, through undersigned counsel, respectfully opposes the Government’s. Mr. Bennett states as follows:

1. On October 18, 2011, in the Northern District of West Virginia, Mr. Bennett was sentenced to 30 months’ incarceration and 72 months’ supervised release, for distribution of cocaine base. It was recommended at this time that Mr. Bennett participate in a drug abuse treatment program while at the Bureau of Prisons (“BOP”).

2. On February 11, 2016, in the Northern District of West Virginia, Mr. Bennett was found to have violated his supervised release by failing to report to his probation officer and was sentenced to less than one month, time served, and 71 months of supervised release to follow.

3. Between 2018 and mid-2019, Mr. Bennett is alleged to have violated probation several times for technical violations to include: leaving the jurisdiction without permission to pay child support, receiving speeding tickets, leaving the jurisdiction to visit his daughter who resides in West Virginia, and leaving the jurisdiction for work with his small business, Bennett Builders and Construction. *See* ECF No. 7. Many of the violations charged result from the same incident.

4. On October 23, 2020, Mr. Bennett was charged with distribution in Berkeley County, West Virginia, in case number CC-02-2020-F-262. This case dates back to alleged

conduct from 2018 to 2019. Mr. Bennett was released in this matter. Mr. Bennett was continued on supervision.

5. On November 19, 2020, U.S. Probation filed a consent Request to Modify Conditions of Supervision to include a 90-day residence restriction, to include several exceptions, including work authorization. ECF No. 6. Mr. Bennett agreed to the modification.

6. On December 4, 2020, Mr. Bennett was charged in Washington County, Maryland, with possession of a firearm in case number C-21-CR-20-000589. This case remains in warrant/detainer status as Mr. Bennett has been continuously detained since December 27, 2020.<sup>1</sup>

7. On December 15, 2020, U.S. Probation filed its Petition requesting that the court issue a warrant.

8. Mr. Bennett's supervision is set to expire on October 13, 2022.

9. Mr. Bennett is charged with violating supervised release. A number of the violations are technical violations, while the remaining violations are for violations that include pending state charges. *See* ECF No. 7 (Petition on Supervised Release). A detention hearing in this matter was held on April 12, 2021, and the Court entered an Order of Detention (ECF No. 19).

10. At the detention hearing, counsel explained Mr. Bennett suffers from Guillain Barre Syndrome ("GBS"). Prior to his arrest, Mr. Bennett was under the care of University of Maryland Medical Center ("UMMC") physicians, monitoring his GBS. Indeed, upon making a records request of Mr. Bennett's care team, over 3,000 pages detailing Mr. Bennett's GBS, care, and

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<sup>1</sup> Mr. Bennett was arrested on December 27, 2020, in case 19-M02M-02295-CC, in Berkeley County, WV. This matter stems from an alleged domestic incident occurring in 2019. The charge was dismissed and Mr. Bennett was released to USMS custody on or about March 1, 2021. He has been held at the CDF since being transported to Baltimore, MD on or about March 26, 2021. Inexplicably, the government has been unable to justify why Mr. Bennett's initial appearance on this matter did not occur until weeks later on April 7, 2021, despite Mr. Bennett being detained at the CDF.

history were returned. For this purpose, counsel attached a small excerpt detailing Mr. Bennett's acute GBS and hypertrophic cardiomyopathy diagnoses. *See* ECF No. 23, Exhibit 1.

11. GBS is “a rare disorder in which your body's immune system attacks your nerves.” *See* <https://www.mayoclinic.org/diseases-conditions/guillain-barre-syndrome/symptoms-causes/syc-20362793>. GBS is associated with many viral infections and indeed, Mr. Bennett's severe GBS experienced in 2017 was thought to have been brought on by a viral infection. *See* Exhibit 1, p.2. Indeed, there have been sufficient cases to date demonstrating an association, if not a triggering, of GBS and COVID-19 infections.<sup>2</sup>

12. Additionally, Mr. Bennett is one of the people the CDC and leading public health experts have noted is “at increased risk of getting sick and dying from COVID-19” due to “long-standing systemic health and social inequities” people like Mr. Bennett experience. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>. Detention facilities generally pose higher risk of exposure to the coronavirus because of the nature of their operations.

13. Further delay in this case exposes Mr. Bennett to continued danger of contracting COVID-19.

14. Mr. Bennett's case has been continued once before in early May, 2021, upon government request. ECF. Nos. 20-21. Mr. Bennett wishes to resolve the VOSR without further delay.

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<sup>2</sup> *See* Abu-Rumeileh S, Abdelhak A, Foschi M, Tumani H, Otto M., *Guillain-Barré syndrome spectrum associated with COVID-19: an up-to-date systematic review of 73 cases*, J. Neurol. 1133-1170 (2021); *see also* Sedaghat Z, Karimi N., *Guillain Barre syndrome associated with COVID-19 infection: A case report*, J. Clin. Neurosci., 233-235 (2020); *see* Umapathi T. *Does COVID-19 cause axonal GBS?*, J. Clin. Neurosci. (2020).

### **Conclusion**

For the foregoing reasons, Mr. Bennett respectfully requests that this Court deny the government's motion to continue the scheduled VOSR and to continue with the in-person hearing on July 27, 2021. Alternatively, Mr. Bennett requests that this Court order his release from pretrial detention with appropriate conditions, including a third party custodian and a residence restriction as he awaits resolution of the pending violations.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

/s/

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